

PATENT
674509-2045.1

is believed that no fees are due by entry of this paper, however the Commissioner is hereby authorized to charge any additional fee, or credit any overpayment in fees, to Deposit Account 50-0320.

REMARKS

Claims 38-46, 50-54 and 47 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-10 of copending Application Serial No. 09/727,852. And, claims 38-46, 50-54 and 47 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-10 of copending Application Serial No. 09/723,253. The rejections are respectfully traversed.

For the purposes of expediting prosecution, without any admission, without any prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents, Applicants enclose herewith a Terminal Disclaimer. Consequently, reconsideration and withdrawal of the rejection is respectfully requested.

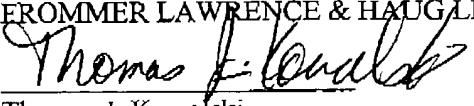
Additionally, the Office Action requested that Applicants supply the Patent Office with a list of all co-pending or allowed applications that pertain to the subject matter herein as requested previously in Application Serial No. 09/723,253. A communication will be forwarded to the Patent Office submitting the requested information in the '253 application.

CONCLUSION

It is respectfully believed that the remarks and enclosures herewith place the application in condition for allowance. Consequently, reconsideration and withdrawal of the rejections of the application and prompt issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:


Thomas J. Kowalski
Reg. No. 32,147
Angela M. Nigro
Reg. No. 51,107
(212) 588-0800